

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

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U.S. DISTRICT COURT
DISTRICT OF MASS
CIVIL ACTION NO. 04-30177-PBS**

**JOEL PENTLARGE,
Plaintiff,**

v.

**ROBERT MURPHY, et al.,
Defendants.**

**APPENDIX OF EXHIBITS
FOR**

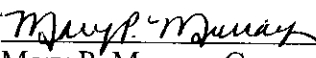
**MOTION OF DEFENDANTS THE MASSACHUSETTS
DEPARTMENT OF CORRECTION, ROBERT MURPHY AND
KATHLEEN DENNEHY TO STAY DISCOVERY**

Submitted herewith are the exhibits relating to the above entitled motion which is to be filed electronically on this date:

Exhibit A: Plaintiff's First Request for Production of Documents from the Defendant Robert Murphy.

Defendants Massachusetts Department of
Correction, Robert Murphy and Kathleen
Dennehy,

NANCY ANKERS WHITE
Special Assistant Attorney General

By: 
Mary P. Murray, Counsel (BBO # 555215)
Department of Correction
Massachusetts Treatment Center
30 Administration Road
Bridgewater, Massachusetts 02324
(508) 279-8184
(508) 279-8181 (fax)
MPMurray@DOC.state.ma.us

Dated: February 11, 2005

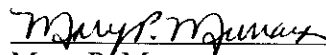
Certificate of Service

I hereby certify that I caused a copy of the within document to be served as follows:

(1) *Pro Se* Plaintiff Joel Pentlarge, by intra-facility mail, Massachusetts Treatment Center
30 Administration Road, Bridgewater, MA 02324

&

(2) Defendants Natalya Pushkina and Debra O'Donnell, by first class mail, postage pre-paid
upon their counsel of record, Kevin Mulvey, Esquire, Mulvey & Sneider, LLP, 1622A Beacon
Street, Brookline, MA 02446-2201.



Mary P. Murray

Dated: February 11, 2005

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

Case No. 04-30177

JOEL PENTLARGE,

Plaintiff,

vs.

ROBERT MURPHY, et al.,

Defendants.

EXHIBIT A

PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
FROM THE DEFEDANT ROBERT MURPHY

As provided by Federal Rule of Civil Procedure 34 the plaintiff requests that you produce the following documents on before February 14, 2005 to the plaintiff at the Nemasket Correctional Center, 30 Administration Rd, Bridgewater, MA 02324. This request may be satisfied by mailing true and complete copies of the requested documents to the plaintiff at time before February 14, 2005.

1. Please provide a copy of your current or most recent resume and curriculum vitae.

2. Please provide a copy of any documents which indicate the date on which the plaintiff finished serving any prison sentences with the Massachusetts Department of Correction.

3. Please provide any documents which indicate the size, dimensions, height, length and width of all cells which the plaintiff has occupied at the Nemasket Correctional Center, including the cell currently occupied by the plaintiff, cell 4 on cell block A-2.

4. Please provide any design specification which indicate

the number of prisoners for which the cells at the Nemasket Correctional Center were designed to hold.

5. Please provide any documents which indicate the furnishings with which the cells were originally furnished at the Nemasket Correctional Center, including any documents which provide any specifications for those furnishings, such as dimensions, number of drawers, or amount of cubic feet of storage provided.

6. Please provide copies of any documents which indicate the hours on each day of the week that the library is open to all civilly committed persons.

6. If the library has been closed on any days since January 1, 2004 to the present, for which it is normally scheduled to be open, or if the library has been closed early or opened late on any days, please provide any documents which indicate such closures and the reason for the closure.

7. Please provide a copy of each library log sheet for which the plaintiff has signed as attending the library from January 1, 2004 through the present.

8. Please provide a copy of any documents which indicate the maximum number of persons who may legally occupy the library at any one time.

9. Please provide a copy of any documents which contain any policies applicable to use of the library, including policies with regard to use of the stacks by inmates, checking out of books for use in the library, and photocopying of library materials.

10. Please provide a copy of any documents which show the dimensions of the yard at the Nemasket Correctional Center

which is available for recreational use by the inmates.

11. Please provide any documents which show the dimensions, and or location of any or all amenities available in the yard, including but not limited to basket ball courts, tracks, handball courts, benches, picnic tables, bleachers, drinking fountains and bathroom facilities.

12. Please provide a copy of any documents which indicate the number of hours each day that the gym and or yard are available for use by civil inmates, including a schedule of those hours for each day of the week and season of the year.

13. If at ^{any} time since the Nemasket Correctional Center was opened there were amenities provided in the yard or yards which are not now provided, please produce copies of any documents which show the location and nature of those previously provided amenities and any documents which in any way discuss the reasons for removing those amenities.

14. Please produce any documents which show the facilities and equipment available in the gym, the rules for use of the gym, and the hours which the gym is available to civil inmates.

15. Please provide any documents which show the number of hours and times that visits are scheduled for civil inmates at the Nemasket Correctional Center.

16. Please provide any documents which show the rules for both civil inmates and visitors while using the visiting room at the Nemasket Correctional Center, including any rules governing when a civil inmate may go to the visiting room and leave the visiting room.

17. Please produce all records of visits received by the plaintiff at any time while he has been incarcerated at the Nemasket Correctional Center, including records of the date of each visit received by the plaintiff, the time each visit started and ended, and the names of the visitors.

18. Please produce the records of all visitors who were turned away from visiting the plaintiff, including the name of each such turned away visitor, the date on which each visitor was turned away and any report or explanation of the reason why the visitor was turned away at the Nemasket Correctional Center.

19. Please provide copies of rules, regulations, and policies for the purchase of canteen, commissary, appliances and clothing at the Nemasket Correctional Center.

20. Please provide all records which indicate the total number of civil inmates who have received a visit on each day, week and month from January 1, 2004 through the present, and the total number of visitors for each day, week and month visiting civil inmates at the Nemasket Correctional Center.

21. Please provide any documents which show any cooking facilities available to civil inmates or cooking equipment.

22. Please provide any documents showing or relating to any educational programs available to civil inmates at the Nemasket Correctional Center, including any college or post graduate level courses, and any training or education which would lead to issuance of any kind of licence or independently recognized certificate of competency in any vocational area.

23. Please provide any documents which indicate the number and nature each position available for employment of civilly committed inmates and the actual rate pay for each such position.

24. Please produce any documents show the budget, including budgeted income and expenditures for every civil inmate employed in any capacity at the Nemasket Correctional Center from January 1, 2004 to the present.

25. Please produce any documents which indicate the number of civil inmates who currently have either computers or typewriters with a memory at the Nemasket Correctional Center.

26. Please produce any documents which indicate the the kind of controls for the showers which are available for civil inmates in the Nemasket Correctinal Center.

27. Please produce any documents which show the rules, regulations, policy or procedure for civil inmates to purchase Sunday newspapers on the day that they are published and indicate the actual number of civil inmates who purchase a Sunday paper *each Sunday* at the Nemasket Correctional Center from January 1, 2004, *to present*.

28. Please produce any rules, regulations or policies which govern the sharing, exchanging or giving away of newspapers, magazines, books or other reading material between civil inmates at the Nemasket Correctional Center.

29. Please produce any documents, rules, regulations or policies which govern visiting by civil inmates in each others cells and visiting between civil inmates who live in different housing units.

30. Please produce any documents which show the dimensions, seating capacity, including occupancy limits of the north and

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south inmate dining rooms and the staff dining room at the Nemasket Correctional Facility.

31. Please provide copies of the menu for each meal served at the Nemasket Correctional Center from January 1, 2004 through the present. For each meal in which there was deviation from what was scheduled to be served and what was actually served, please provide copies of any documents which list the nutritional value of the food that was scheduled to be served and the nutritional value of the food that was actually served.

32. Please provide any documents that indicate the number of civil inmates who have reading lamps.

33. Please provide a copy of the Request for Response, all Responses, and the contract for telephone services for civil inmates and state prisoners at the Nemasket Correctional Center.

34. Please provide any documents which indicate the cost to inmates of making telephone calls, including local calls, instate long distance and out of state long distance phone calls for civil inmates.

35. Please provide any documents that indicate the amount of any commissions received by the Department of Correction of the Commonwealth of Massachusetts, including any documents that show how the amount of the commission is calculated and actual amount of the commission paid for either the Nemasket Correctional Center or the entire prison system of the Department of Correction.

36. Please provide a copy of any tariff which have been filed with any federal or state agency for the telephone rates charged to civil inmates at the Nemasket Correctional Center.

37. Please provide a copy of all rules, regulations and policies which apply to the use of telephones by civil inmates at the Nemasket Correctional Center.

38. Please provide a copy of any rule, regulation or policy which prohibits civil inmates from listing the cell phone number of an attorney or other person on their list of approved phone numbers to call.

39. Please provide a copy of the statement of nutritional value for the pancake mix currently being used to make pancakes served to civil inmates at the Nemasket Correctional Center, including the list of ingredients, and the statement of nutritional values for pancakes as calculated by the dietician for the Department of Correction.

40. Please provide a copy of the code of ethics or professional responsibility for each therapist, counselor, supervisor of therapists or counselors, social worker, psychologist or psychiatrist who provides therapy, counseling or treatment for sex offenders at the Nemasket Correctional Center.

41. Please provide copies of all documents that you or the providers of sex offender treatment possess which indicate whether the sex offender treatment offered by the Nemasket Correctional Center is, or is not, effective in preventing recidivism of sex offenders. Please include any statistics kept by you or the treatment providers and any studies, articles or learned treatises which you or the treatment providers have.

42. Please provide any letters, memoranda, or other docu-

ments evaluating the performance or efficacy of the treatment provided by JRI, Inc. and FHS, Inc. at the Nemasket Correctional Center.

43. Please provide any documents which specify the reasons for choosing FHS, Inc. instead of any other bidders for the current contract to provide sex offender treatment at the Nemasket Correctional Center, including but limited to any evaluation of the bids or responses which were submitted for the current contract.

44. For each civil inmate at the Nemasket Correctional Center please provide any documents which show the date of admission, the duration or dates of sex offender treatment provided, the kind of treatment provided, and the anticipated date upon which treatment will be completed.

45. For each civil inmate including the plaintiff please provide any documents relating to any kind of individualized risk assessment, needs assessment and treatment plan, and any assessment which indicates the particularized level of security necessary for each inmate including the plaintiff.

46. For each staff member currently providing sex offender treatment, counseling, or supervision, please provide their current resume or curriculum vitae, and their job description and any written statement of their job qualifications, licensure requirements, and copies of any applicable licenses.

47. Please provide copies of all inspection reports by the Massachusetts Department of Public Health for the Nemasket

Correctional Center from 1986 to the present.

48. Please provide any records of when the heat was turned on or off at the Nemasket Correctional Center from January 1, 2004 through the present.

49. Please provide copies of any documents, letters, memoranda bid specifications, requests for proposals, budget requests or other writings dealing with the lack of bathroom access for the yard at the Nemasket Correctional Center from 1999 to the present.

50. Please provide a copy of the current management plan for the Nemasket Correctional Center.

51. Please provide a copy of the current community access plan, and any documents, memoranda, letters or other writings as ^{to} whether the community access plan is currently being implemented at the Nemasket Correctional Center.

52. Please provide a copy of applicable written standards to which the Nemasket Correctional Center complies. (In the letter of Superintendent Murphy to the plaintiff, dated November 30, 2004, Superintendent Murphy states, "The room dimensions are in compliance with applicable standards." The plaintiff is seeking a copy of these standards, as well as any other standards that Nemasket Correctional Center attempts to remain in compliance with.)

53. Please provide a copy of any documents indicating the receipt of federal funding of any kind by the Nemasket Correctional Center, the Massachusetts Department of Correction

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or the Massachusetts Department of ^{Public} Safety.

54. Please provide copies of any rules, regulations or policies governing the availability of copies for civil inmates, particularly with regard to legal copies in the law library at the Nemasket Correctional Center.

55. Please provide a copy of any rules, regulations or policies which govern the sending or receiving of mail by civil inmates at the Nemasket Correctional Center.

56. Please provide a copy of all documents, letters, memoranda, repair requests, budget requests, bid specifications, bids or other writings pertaining in any way to the leaks and repairing the leaks in the roof of Unit A-2 at the Nemasket Correctional Center.

57. Please provide any articles, learned treatises, studies or written materials of any kind upon which you relied or upon which you now rely in reaching the decision that the November 1, 2004 issue of the New Yorker to which the plaintiff subscribes should be contrabanded.

58. Please provide copies of any rules, regulations or policies which govern inmate property for civil inmates at the Nemasket Correctional Center.

59. Please provide any documents which in any way support any contention which you intend to make that conditions at the Nemasket Correctional Center, which are more restrictive than the conditions were at M.C.I. Norfolk, N.C.C.I. Gardner or the Hampshire County House of Correction, or the conditions for other civil inmates at the Nemasket Correction Center, with regard to the number of occupants in each cell, i.e. double

bunking, amount of storage space, access to the law library and the general library, use of the libraries, access to copies, access to the yard, amenities in the yard, access to a bathroom from the yard, access to flower or vegetable gardens, access to the gym and facilities available in the gym, access to visits, variety of foods available from the canteen and limitations on the purchase of clothing and personal appliances, access to cooking facilities and appliances, participation in picnics on national holidays, access to educational programs, including college courses, vocational courses which lead to state issued licences, access to employment in prison industries, access to a computer or typewriter with a memory, access to showers with normal shower controls to turn them on and adjust the temperature, access to the Sunday papers, being allowed to exchange newspapers and magazines, visiting between cells, seating in the chow hall, serving of prison food, access to legal storage, access to reading lamps, ability to participate in a "lifer's group or inmate council, access to telephones, access to sex offender treatment and waiver of confidentiality, and lack of a classification system; are justified by a legitimate non-punitive purpose.

60. For each civilly committed inmate at the Nemankset Correctional Center please produce a copy of the docket entries for each such inmate who has a ~~A~~ currently pending petition for release as provided for under G.L. c. 123A, § 9, or any other documents which will indicate, the name of each petitioner

in a currently pending petition, their counsel of record, if any, the date on which the petition was filed, the court in which the petition was filed, the docket number of the petition and scheduled trial date if any.

61. Please provide any written reports or evaluations which have been done on the structural condition of the roof over units A-1 and A-2, in light of the prolonged infiltration of water and the cracking of the concrete.

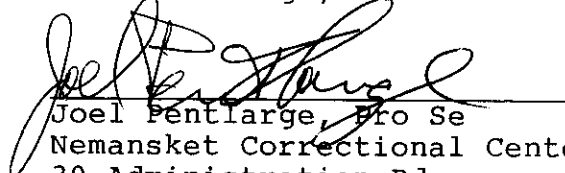
62. Please provide the resumes or other written records of the qualifications of any person who has performed any structural evaluation of the roofs over units A-1 and A-2.

63. For each expert witness that you intend to call please provide a copy of their resume or curriculum vitae.

64. Please provide copies of any articles, learned treatises or other published or printed or electronically disseminated authorities upon which any expert witness you intend to call has relied in reaching the expert opinion to which he or she intends to testify in the trial of this action.

65. Please provide copies of any records which indicate the hours on each day from January 1, 2004, that the plaintiff and all other civil inmates were locked in their cell.

Joel Pentlarge, Plaintiff


Joel Pentlarge, Pro Se
Nemasket Correctional Center
30 Administration Rd.
Bridgewater, MA 02324

January 11, 2005